

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

TRIAL COURT OF THE COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NUMBER: 4-2225 C

H. BRUCE BOAL and SCOTT LEE BOAL, )  
A Partnership d/b/a BOALEECO, )  
Plaintiff )  
v. )  
FLEETBOSTON FINANCIAL CORPORATION )  
(f/k/a Fleet National Bank), )  
Defendant )

Ex Parte MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff H. Bruce Boal and Scott Lee Boal, A Partnership d/b/a Boaleeco ("Boaleeco") respectfully requests that this Court enjoin Defendant FleetBoston Financial Corporation (Fleet") as follows:

- (a) Temporarily and preliminarily enjoin Fleet from paying any funds to CBE on account of the letter of credit; and
- (b) award such other relief and issue such other orders as justice may require.

As grounds for this Motion, Boaleeco hereby incorporates by reference the Verified Complaint.

Boaleeco also submits a proposed Order.

Respectfully submitted,  
H. Bruce Boal and Scott Lee Boal,  
A Partnership d/b/a Boaleeco,  
By its Attorneys,

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Dated: December 10, 2004